

9D-HR-19764
PATENT

J. Sanford
7-25-02
7/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taylor et al.

Serial No.: 09/682,857 ✓

Filed: October 25, 2001

For: REFRIGERATION CASE CLIP
ASSEMBLY METHOD AND
APPARATUS

:
: Art Unit: 3677
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: Examiner: Hansen, James Orville
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:

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

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The Office Action mailed June 27, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-23 are subject to a restriction requirement.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to either invention I, consisting of claims 1-15 drawn to a refrigeration cabinet, classified in Class 312, subclass 406.2, or invention II, consisting of claims 16-23, drawn to a method for fabricating a cabinet, classified in class 29, subclass 428+ or 700+, was imposed. In response, Applicants confirm the election with traverse to prosecute the invention of Group I, claims 1-15.

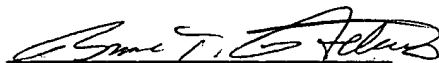
The requirement for election is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of

either Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. 121. Accordingly, reconsideration of the election requirement is requested.

Additionally, Applicants note that the "materially different process" suggested in the Office Action for making the product recited in Claim Group 1 is in apparent contradiction to the recitations of Group I. More specifically, the materially different process noted in the Office Action includes an integral casing shell, bottom mullion and bottom panel, while at least Claims 5, 6 and 11 recite press fit attachment of at least some of these components. Thus, the process noted in the Office Action would not result in the product recited in at least some of the Claims in Group I. At least for this reason, Applicants respectfully submit that the restriction requirement is improper and should be withdrawn.

Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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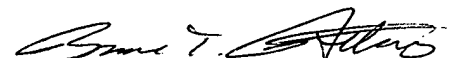
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- Response To Restriction Requirement (2 pgs.)
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